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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/169,127	12/20/93	SHINOHARA	H 0756945
		PADGETT EXAMINER	
		A1M1/0901	
SIXBEY, FRIEDMAN, LEEDOM & FERGUSON 2010 CORPORATE RIDGE, STE. 600 MCLEAN, VA 22102		ART UNIT	PAPER NUMBER
		1112	15

DATE MAILED:

09/01/95

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

 THE PERIOD FOR RESPONSE:

- a) is extended to run _____ or continues to run _____ from the date of the final rejection
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

 Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 8/24/95 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:
 - a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - b. They raise new issues that would require further consideration and/or search. (See Note).
 - c. They raise the issue of new matter. (See Note).
 - d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: "cross-section" is equivalent to "beam spot" as used in the claims and depicted in the figures, however the word "transverse" is vague as it appears to add NOTHING to the meaning of the claims, this is not considered serious enough to prevent entry, because while what is now claimed is different, it was previously covered by the art rejection and now better describes applicants intent.

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-16

However,

- Applicant's response has overcome the following rejection(s): While there was NO formal rejection or objection to the previous language, the amendment brings applicants claim language in line with their figures and sequences.
4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because with respect to the claimed "condensing ... beam in a second direction orthogonal to said first direction", this is NOT supported by the original prior document '252, because the citation of Fig. 3 and page 8 have NOTHING to do with addressing the beam path which is not presented.
 5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.
- What applicants have claimed. Orthogonal movement of a beam spot (cross-section). The proposed drawing correction has has not been approved by the examiner. Other discusses how a beam is used for patterning, and about which the claim are and always have been silent. As one aspect of the claims is NOT, in the '252 document which is necessary to restore the Yarnozaki (585) et al reference, the system still stands because '252 does not provide priority for the present claims and (385) film dated 8/17/87 beats the priority of '063 dated 12/23/87

MARIANNE PADGETT
PRIMARY EXAMINER
GROUP 1100